

## Article - Criminal Procedure

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§3-115.

(a) Within 50 days after commitment to the Health Department under § 3-112 of this title, a hearing officer of the Health Department shall hold a hearing to consider any relevant information that will enable the hearing officer to make recommendations to the court as to whether the committed person is eligible for release under § 3-114 of this title.

(b) (1) The release hearing may be postponed for good cause or by agreement of the committed person and the Health Department.

(2) The committed person may waive the release hearing.

(c) (1) Unless the Health Department has completed an examination and report during the 90 days preceding the release hearing, at least 7 days before the release hearing is scheduled, the Health Department shall complete an examination and evaluation of the committed person.

(2) Whether or not the release hearing is waived, the Health Department shall send a copy of the evaluation report:

- (i) to the committed person;
- (ii) to counsel for the committed person;
- (iii) to the State's Attorney; and
- (iv) to the Office of Administrative Hearings.

(d) (1) The Health Department shall send notice of the release hearing to:

- (i) the committed person;
- (ii) counsel for the committed person; and
- (iii) the State's Attorney.

(2) The Office shall issue any appropriate subpoena for any person or evidence. The court may compel obedience to the subpoena.

(e) (1) Formal rules of evidence do not apply to the release hearing, and the Office may admit and consider any relevant evidence.

(2) The hearing shall be recorded, but the recording need not be transcribed unless requested. The requesting party shall pay the costs of the transcript and, if exceptions have been filed, provide copies to other parties and the court. If the court orders a transcript, the court shall pay the costs of the transcript.

(3) Any record that relates to evaluation or treatment of the committed person by this State shall be made available, on request, to the committed person or counsel for the committed person.

(4) The Health Department shall present the evaluation report on the committed person and any other relevant evidence.

(5) At the release hearing, the committed person is entitled:

(i) to be present, to offer evidence, and to cross-examine adverse witnesses; and

(ii) to be represented by counsel, including, if the committed person is indigent, the Public Defender or a designee of the Public Defender.

(6) At the release hearing, the State's Attorney and the Health Department are entitled to be present, to offer evidence, and to cross-examine witnesses.

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